HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 23813 OF 2006

DATE: 07.09.2007

Between:

Amrishetty Sattavva W/o Chandraiah

...Petitioner

AND

1. Government of India Freedom Fighters Division Ministry of Home Affairs, Loknayak Teen Market Bhavan, New Delhi and two others

.....Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 23813 OF 2006

ORAL ORDER:

Heard the leaned counsel.

1. The Writ Petition is filed for a Writ of Mandamus or any other appropriate Writ declaring the action of the respondents in not releasing the Central Freedom Fighter's Pension to the petitioner with effect from 1972 on par with Donakonda Gopal Reddy, P.P.No. 1432, Sanction dated 11.8.1972 and Enugu Ramaiah, P.P.O.No. 9342/Pol. Central and consequently direct the respondents to release the pension on par with Donakonda Gopal Reddy and others and pass such further or other orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

2. This Court ordered Rule Nisi and Call for Records on 8.6.2007. The matter is coming up under the caption 'Interlocutory' and with the consent of both the counsel the matter is being disposed of finally.

3. It is stated that the husband of the petitioner namely Amrishetty Chandraiah had participated in the Freedom Struggle in the merger (integrated) movement during the period 1947-1948 under V. Rajeshwar Rao Camp Incharge, Chanda Camp against the then Nizam Government and attended the meetings. It is also stated that her husband was issued with arrest warrant, however he went to underground for more than one year and was actively participating in the struggle. Therefore, he has submitted an application for Swathanthra Sainik Pension Scheme, i.e., Freedom Fighters Pension on par with others in the month of January, 1995 and the same was accepted by the Government. However her husband's case has been placed and registered in 1997 vide file No. 112/2921/93-FF (HC) Agenda No. 2117 dated July, 1997 and her husband's case has been recommended by the Hyderabad Special Screening Committee in the year 1997 and his name was placed at Agenda, vide No. 2117 in July 1997.

4. It is also stated that her husband has approached the respondents several times for release of Family Pension. However, for the reasons best known to the respondents the same has not been released.

5. It is further stated that on 26.4.1998 vide Sl.No. B/35, her husband was directed to file 'identification documents in 4 sets with regard to claim of pension. Accordingly he has submitted four sets of identification documents in original on 26.4.1995 vide Sl.No. B/35. After receiving the documents also the Freedom Fighters Pension has not been released. He made several representations to that effect. In the meanwhile her husband expired on 25.11.2000 without enjoying the benefit of pension and the same

has been informed to the authorities that her husband expired on 25.11.2000 and that she may be granted pension to meet the expenses. Vide letter No. C/983/98 dated 24.11.2001 of the Mandal Revenue Officer, Khoheda, addressed a letter directing the petitioner to submit self declaration, on Rs. 10/- stamp paper and also in charge declaration documents and other evidences during the period from 26.11.2001 to 27.11.2001. As per the directions the petitioner submitted the documents, namely personal acknowledgement certificate and certificate given by the co-freedom fighter, namely Sri Enugu Ramaiah and another certificate given by Co-freedom fighter Sri Avunuri Machaiah and also submitted legal heir certificate dated 5.12.2001 and the same has been received by the Mandal Revenuer Officer. Even from 2001 in spite of submitting the relevant documents as per the directions of the M.R.O, her claim has not been settled nor issued any proceedings to that effect. Therefore, she again made a representation to the respondents to release the pension to which the petitioner is entitled to, being the dependent of the deceased husband, namely Chandraiah.

6. It is also stated that the District Collector, Karimnagar, addressed a letter to the Secretary, Government dated 6.1.2005 stating that in respect of her claim for sanction of Central Samman Pension, was verified in the light of guidelines and also forwarded all the documents submitted by her and also requested the Government to take further action in the matter. However, the respondents have not taken any action in respect of release of pension. The action on part of the Government in not releasing the Freedom Fighters Pension is wholly illegal, arbitrary and violative of Article 14, 16 and 21 of Constitution of India.

7. It is also stated that Enugu Ramaiah who has also participated in the merger movement on par with her husband has been receiving the Freedom Fighters Pension vide PPO No. 9342/Pol.Central. Similarly one Sri Gopal Reddy has also under trial prisoner along with her husband and he was also granted pension under the Ministry of Home Affairs, P.P.O No. 1432, Sanction dated 11.8.1972. However, for the reasons best known to the respondents, pension to her husband has not released which is wholly illegal and arbitrary. The action on part of the respondents in not releasing the pension though her husband participated along with others in the merger movement against the then Nizam's Government is illegal.

8. It is also stated that the petitioner aged about 72 years and unless the pension is released she will be put to severe and irreparable loss and damage.

9. In the light of the facts and circumstances and also in the light of the submissions made by the Assistant Solicitor General, this Court is inclined to dispose of the Writ Petition directing the second respondent to forward the papers to the first respondent at an early date preferably, within a period of two weeks and further the first respondent is directed to take an appropriate decision in this regard at the earliest point of time

preferably within a period of four weeks thereafter.

10. With the above direction, the Writ Petition is disposed of. No order as to costs.

_____

P.S. NARAYANA, J

Date: 07.09.2007
KA